

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HOWARD EPSTEIN,

Civ. Act. No.: 09 CIV 5608 (WHP)

Plaintiff,

NOTICE OF MOTION

-against-

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

DOCUMENT
ELECTRONICALLY FILED

Defendant.

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PLEASE TAKE NOTICE that, upon the Declaration of Marsha L. Macko dated January 13, 2010 and the exhibits annexed thereto, the Declaration of Bruce Luddy dated January 11, 2010, the Declaration of Michael H. Bernstein, Esq. dated June 13, 2012 and the exhibits annexed thereto, the relevant and material facts set forth in the Joint Rule 56.1 Statement of Material Facts, and Memorandum of Law in support, all simultaneously submitted herewith, the defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY ("Hartford"), by its attorneys, Sedgwick LLP, will move this Court, on August 24, 2012 at 10:00 A.M. as set forth in the Court's Endorsed Letter dated June 5, 2012, before the Hon. William H. Pauley, III, U.S.D.J., at the United States District Courthouse for the Southern District Of New York, 500 Pearl Street, New York, New York 10007 for an Order pursuant to Rule 56, FED. R. CIV. PROC., granting summary judgment dismissing plaintiff's Complaint, which seeks relief under the Employee Retirement Income Security Act of 1974 ("ERISA") §502(a)(1)(B); 29 U.S.C. §1132(a)(1)(B), with prejudice on the grounds that the decision to deny his claim for long term disability benefits under the governing ERISA plan was not arbitrary and capricious and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, must be served by July 11, 2012.

Dated: New York, New York
June 13, 2012

Respectfully Submitted,

s/

Michael H. Bernstein (MB 0579)
John T. Seybert (JS 5014)
Daniel M. Meier (DM 2833)
SEDGWICK LLP
Attorneys for Defendant
HARTFORD LIFE AND ACCIDENT INSURANCE
COMPANY
125 Broad Street, 39th Floor
New York, New York 10004-2400
Telephone: (212) 422-0202
Facsimile: (212) 422-0925

TO:
Scott M. Riemer, Esq.
Riemer & Associates
Attorneys for Plaintiff, Howard Epstein
60 East 42nd Street, Suite 2430
New York, NY 10165
Riemer & Associates
(212) 297-0700

CERTIFICATE OF SERVICE

I, DANIEL M. MEIER, hereby certify that a true and correct copy of the attached **NOTICE OF MOTION** was served via ECF and FedEx on June 13, 2012, upon

Scott M. Riemer, Esq.
Riemer & Associates
60 East 42nd Street, Suite 2430
New York, NY 10165

Dated: New York, New York
June 13, 2012

s/_____
DANIEL M. MEIER (DM 2833)